

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

MARCUS A. CANADA,

Petitioner,

v.

WARDEN, NOBLE
CORRECTIONAL INSTITUTION,

Respondent.

CASE NO. 2:16-CV-00103
JUDGE JAMES L. GRAHAM
MAGISTRATE JUDGE KING

ORDER

On October 21, 2016, the Magistrate Judge recommended that Respondent's *Motion to Dismiss without Prejudice for Failure to Exhaust* (ECF No. 8) be granted and that this action be dismissed. *Report and Recommendation* (ECF No. 10). Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* (ECF No. 10) is **ADOPTED** and **AFFIRMED**. Respondent's *Motion to Dismiss without Prejudice for Failure to Exhaust* (ECF No. 8) is **GRANTED**. This action is hereby **DISMISSED** without prejudice as unexhausted.

The Clerk is **DIRECTED** to enter **FINAL JUDGMENT**.

Date: November 28, 2016

s/James L. Graham

JAMES L. GRAHAM
United States District Judge